**THE HONOURABLE SRI JUSTICE V.ESWARAIAH**

**WRIT PETITION No :21221 2007**

**DATED:08-10-2007**

**BETWEEN:**

Gurajala Adinarayana Swamy.

**..... PETITIONER**

**AND**

The Government of Andhra Pradesh,
Rep., by its District Collector,
Visakhapatnam District & 4 others.

**.....RESPONDENTS**

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**ORDER:**

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents 1 to 3 in resorting to grant pattadar pass book and title deeds in favour of the respondents 4 and 5 in respect of the lands in Sy.No.26/B correlating with the old survey Nos.35/1/18, 35/1/23, 71/A, 71/B & 71/C and the lands in Sy.No.26C situated in Mudasaralova Revenue Village without considering the petitioner's claim and objections, dated 10-06-2007, as illegal and arbitrary.

3. It is the case of the petitioner that the 4th respondent herein filed W.P.No.3124 of 2007 to issue a writ of mandamus declaring the action of the respondents in not considering and disposing of his representation/application, dated 25-01-2007, filed before the Mandal Revenue Officer, Visakhapatnam Rural for mutation of his name in the revenue records in respect of Ac.44.90 cents in Sy.No.26C which is said to have been a patta land and an extent of Ac.48.82 cents is a poramboke land. It is stated that the said property belongs

to the great grand father of the petitioner as well as the 4th respondent. 5th respondent is the son of the 4th respondent. The father of the petitioner and the 4th respondent, namely Veeraswamy, is one and the same. The said Writ Petition was disposed of by order, dated 20-02-2007 directing the Mandal Revenue Officer, Visakhapatnam Rural to consider and dispose of his application, dated 25-01-2007, in accordance with law after giving reasonable opportunity to the petitioner within four weeks from the date of receipt of the said order.

4. It is stated that the son of one G.Jayachandra Naidu, namely the 5th respondent herein, filed W.P.No.15578 of 2007 seeking a direction to consider and dispose of his application, dated 01-03-2007, for issuance of the pattadar pass book, title deeds in respect of an extent of Ac.49.00 with patta No.25 in Sy.No.26/B situated at Mudasaralova Revenue Village, Visakhapatnam Rural mandal and the said Writ Petition is disposed of by this Court by order, dated 24-07-2007, without expressing any opinion with regard to entitlement for grant of pattadar pass book directing the respondents to dispose of the said representation, dated 01-03-2007 and 04-09-2007, in accordance with law within a period of eight weeks from the date of receipt of this order.

5. It is the case of the petitioner that he and the 4th respondent are the sons and legal heirs of one late G.Veera Swamy and both of them succeeded the said

property and therefore, petitioner is also entitled to share in the said property and accordingly filed a representation, dated 10-06-2007, to consider his claim and mutate his name in the concerned revenue records in respect of the said lands as per his entitlement. It is stated that the application of the petitioner is not at all considered, but however 3rd respondent is taking steps to consider the application of the respondents 4 and 5 as there is an order of this Court.

6. I am not inclined to express any opinion with regard to the merits of the case. If the petitioner is also a legal heir and entitled to the said lands, his application also is to be considered along with the application of the respondents 4 and 5.

7. Accordingly, Writ Petition is disposed of directing the 3rd respondent to consider and dispose of the application/objection of the petitioner, dated 10-06-2007, along with the application of the respondents 4 and 5 and all the other concerned and interested persons, either for mutation or for grant of pattadar pass book and title deed under the provisions of the A.P.Rights in Land and Pattadar Pass Books Act, 1971 and the rules made thereunder. There shall be no order as to costs.

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**V.ESWARAIAH,J**

08th October, 2007.

**Note:**

Furnish C.C. of the order
within three days.

B/o
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